



# **BOGAN SHIRE COUNCIL**

## **Minutes**

**24<sup>th</sup> November 2011**





**Minutes of the Ordinary Meeting of Bogan Shire Council  
held in the Council Chambers on Thursday 24<sup>th</sup> November 2011 at 9.30am**

**PRESENT:** Councillors RL Donald, JL Douglas, LH Dutton, HJ Griffiths, JE Hampstead OAM, AM Kennedy, EM McLaughlin, GRJ Neill and KM Ryan.

Also present were Mr Derek Francis (General Manager), Ms Theresa Haley (Manager of Corporate Services), Mr Tim Riley (Manager of Environmental Services), Mr Mike Ryan (Acting Manager of Engineering Services) and Mrs CJ Ellison.

**DECLARATION OF PECUNIARY INTEREST:** Nil.

**The following resolutions arose from decisions made in the Closed and Confidential Section of the Meeting held on 24<sup>th</sup> November 2011.**

**356/2011 EXCLUSION OF PRESS AND PUBLIC: RESOLVED** that the Committee move into a closed and confidential section of the Council Meeting because information provided and discussed involves matters concerning particular individuals other than Councillors. (Neill/Griffiths)

**357/2011 RESOLVED** that the Minutes of the Closed and Confidential Section of the Ordinary Meeting of Council held on 27<sup>th</sup> October 2011, copies of which has been circularised to Councillors be taken as read and confirmed. (Neill/Griffiths)

**358/2011 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting move into open Council. (Douglas/Neill)

**359/2011 EXCLUSION OF PRESS AND PUBLIC: RESOLVED** that the Committee move into a closed and confidential section of the Council Meeting because information provided and discussed involves matters concerning particular individuals other than Councillors. (Dutton/Hampstead)

**360/2011 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting move into open Council. (Douglas/Neill)

**361/2011 EXCLUSION OF PRESS AND PUBLIC: RESOLVED** that the Committee move into a closed and confidential section of the Council Meeting because information provided and discussed involves matters concerning particular individuals other than Councillors. (Neill/Griffiths)

**362/2011 INCLUSION OF PRESS AND PUBLIC: RESOLVED** that the meeting move into open Council. (Douglas/Kennedy)



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**363/2011 RESOLVED** that the Minutes of the Ordinary Meeting of Council held on 27<sup>th</sup> October 2011, copies of which has been circularised to Councillors be taken as read and confirmed. **(Hampstead/Griffiths)**

## **COMMITTEE MEETING MINUTES**

### **1 MUSEUM COMMITTEE MEETING**

**364/2011 RESOLVED** that the report be received and noted. **(Ryan/Douglas)**

### **2 TRAFFIC COMMITTEE MEETING**

**365/2011 RESOLVED** that the report be received and the recommendations endorsed. **(Hampstead/Ryan)**

Other Matters

Agriculture Department in Nyngan

**366/2011 RESOLVED** that Council send a strong letter to the Department of Primary Industries asking to have the full time agronomist returned to Nyngan. **(Dutton/McLaughlin)**

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**REPORTS TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER’S REPORT**

**1 CHECKLIST**

Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
<b>1</b>	24/03/2011	89/2011	Library	Install suitable electronic doors in conjunction with installation of disabled access.	MEvS	Electronic doors installed with the disabled ramp access to be completed by late November / December 2011.
<b>2</b>	23/08/2007 25/02/2010 22/07/2010	500/2007 371/2007 370/2007 20/2010  244/2010	Housing Residential & Aged Care Accommodation  Aged Care Facility	Feasibility of developing Council owned land, subdivide, establish further aged care accommodation.  Nyngan Community Homes Committee to meet with Council.	Mayor / GM	Meetings have been held with the Community Homes Committee to advance the project.  Mayor & GM facilitated a meeting with Community Homes & Yarrabin who will now work together towards an agreement on the management of the Community homes.
<b>3</b>	25/02/2011	33/2011	LEP	Draft LEP be prepared for purpose of reclassifying public lands.	MEvS	Draft LEP has been sent to the Dept Planning. Final Draft LEP to be returned from Dept Planning December 2011.

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<b>4</b>	22/09/2011	292/2011	Swimming Pool	Reapply for funding to install sleeve section only. Approach other funding sources to secure loans funds.	MEvS	Round two applications have now opened. However criteria would appear to exclude pool from funding. Further funding options to be explored.
<b>5</b>	24/04/2008 16/12/2010	140/2008 421/2010	Main Street	Advertise preliminary street plans & seek community comment.	MES	Base plans of main street being prepared.
<b>6</b>	23/10/2008	447/2008	Residences- Pangee Street	Council to speak to residents.	MEvS	ARTC advised to undertake demolition work as a matter of urgency.
<b>7</b>	25/02/2011 24/03/2011 28/04/2011	09/2009 467/2009 164/2010 384/2010 80/2011 114/2011	Ambulance Station	Council express interest in acquiring the former ambulance station premises.	Mayor	<p>Council write to Health Minister asking to acquire station at no cost to be used for community purposes.</p> <p>Mens Shed has acquired lease of both allotments at ambulance station.</p> <p>Council has approached Dept Health to have lot 9 transferred free of charge and offer to purchase lot 10 in its present condition for \$22,500.</p>

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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
<b>8</b>	26/02/2009 24/09/2009 16/12/2010	41/2009 398/2009 395/2010	Businesses in Residential Areas	Advise all residents of the need to adhere to Legislation and Regulations relating to the conduct of businesses in residential areas.	MEvS	New DA submitted and being assessed.
<b>9</b>	26/11/09	460/2009 223/2010	APC	Letters to surrounding Councils advising of EOI to improve water delivery.  Contact Fed Govt to ensure \$12m remains.  Try and obtain more Government funding to complete the piping of the APC project.	GM  Mayor	Mark Coulton has been contacted to organise a meeting with Ministers Burke & Crean.  A meeting held with State Water Office who received a copy of quote from Irritek. Combined deputation with Cobar Shire Council to meet with Minister Katrina Hodgkinson. Cobar Shire Mayor & GM have agreed to meeting. Meeting request sent to Minister.
<b>10</b>		171/2010	Lower Weir User	Council write to user asking for documentation regarding water entitlement & advise Council is further investigating matter.	GM	Letter sent. Documentation received. Refer to State Water.  Letter sent to Office of NSW Water. Unsatisfactory response received. Further letter to be sent by Flashman & Chalker.

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<b>11</b>	22/07/2010	236/2010	Tritton Mines	Council write to Tritton Mines asking for photos for the displays in the Museum.	GM	Mines waiting on photos to be created in high definition.  Photographs yet to be received. Followed up with GM of Tritton Mines October 2011. Mine staff refreshed display.
<b>12</b>	23/09/2010	295 & 296/2010 383/2010	Ambulance Services	Make further representations to the NSW Ambulance regarding patient transfers & unavailability of ambulances.	Mayor	Letter sent to the Operational Manager with same concerns.
	25/02/2011	55/2011		Approach the Government to provide backup ambulance services so as to have a ambulance on call at all times and to be paid overtime rates.		Waiting on response from Council representation to the Parliamentary Secretary for Regional Health.
	28/04/2011	127/2011		Letter to the Coroner concerning the recent incident on the Mitchell Highway.		Response to Council's letter to Coroner – Precis June 2011. Ongoing.  Mayor & GM met with CEO of Western NSW LHD October 2011 to discuss.



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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
<b>13</b>	28/10/2010	331 & 332/2010	Palais Theatre	Investigate making the outdoor area a venue for community use.	MES	Plan of Management currently being developed.
<b>14</b>	22/02/2011	25/2011	Showground	Obtain quote for upgrade of showers & urinals.	MEvS	Works in progress, to be completed ASAP but no later than 31 <sup>st</sup> March 2012.
<b>15</b>	24/03/2011	83/2011	Cinema	Investigate the recommencement of movies.	CDO	<p>Community Development Officer to look into having the SRC and Bourke Police involved in trying to recommence the movies.</p> <p>Cr Douglas to speak to the schools regarding Council's intention to try to recommence the movies, stress behaviour at the movies.</p> <p>On Hold – pending result of Management Plan for Palais Theatre.</p>
<b>16</b>	22/09/2011	284/2011	Museum	Report to provide suitable VIC at Museum including entrance & disabled access to the Museum.	MEvS/GM	Report provided to November 2011 Council Meeting.

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<b>17</b>	22/09/2011	286/2011	Essential Energy	As a matter of urgency Council express to Essential Energy its extreme concern of the inconsistencies and variation in some residents' electricity accounts.	GM	<p>GM sent letter to Essential Energy.</p> <p>Public Meeting held at Hermidale, attended by Essential Energy.</p> <p>GM sent further letter expressing concern regarding delays / adequate responses.</p> <p>Response received 17/11/2011 included in mail out.</p>
<b>18</b>	27/10/2011	318/2011	Upper & Lower Weir Users	Circularise Weir User' submission to Councillors. Council delegates to meet to discuss submission & agree on Council's position whether to support it or not.	ENG	The Office of Water has sought Council's comments in relation to a submission from irrigators requesting retention of existing drawdown provisions in the licence for the top weir.

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						<p>The Office of Water was informed that the security of town water supplies was Council's primary responsibility but Council was willing to assist irrigators by administering their licence conditions as part of Council's reporting requirements to the Office of Water.</p> <p>As a general comment it was advised that Council would support the irrigators requests as long as Council's water entitlements were protected and operation of the system was not compromised.</p>

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Item No.	Date	Minute No	Matter	Action Required	Responsible Officer	Status
<b>19</b>	27/10/2011	335/2011	Companion Animal Policy	<p>Seek public comment on issues relating to care &amp; management of companion animals in BS.</p> <p>Prepare a draft Companion Animal Policy – report back to Council, incorporating public feedback &amp; recommendations.</p>	<p>GM</p> <p>GM/ MEvS</p>	<p>Issue highlighted in Mayor's Column.</p> <p>Feedback questionnaire distributed to residents with notice in newspaper.</p>
<b>20</b>	27/10/2011	351/2011	MGB Replacement	<p>Community consultation be undertaken.</p> <p>Report to December Council meeting based on costs &amp; outcome from community consultation.</p>	MEvS	<p>Community consultation commenced.</p> <p>Report to December 2011 Council Meeting.</p>
<b>21</b>	27/10/2011	323/2011	Essential Energy	<p>That the Mayor approach Essential Energy on the following matters:-</p> <ul style="list-style-type: none"> <li>• Comment on Hermidale meeting.</li> <li>• Review of accounts.</li> <li>• Publish in media the situation.</li> <li>• Concern about restricting.</li> </ul>	Mayor	<p>Meeting held with new Regional General Manager.</p> <p>Further action pending response by new Regional General Manager.</p>

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**367/2011 RESOLVED** that a report be included and considered in the next Estimates for redeveloping the Swimming Pool, with funding sourced from loans. **(Griffiths/Douglas)**

Mr Chad Bliss, Chairperson of the Nyngan Interagency Group addressed Council.

**368/2011 RESOLVED** that Councillor Griffiths be Council's delegate on the Interagency Committee, with the General Manager and other Councillors welcome to attend the meetings. **(Hampstead/Kennedy)**

**369/2011 RESOLVED** that the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the checklist. **(Griffiths/Kennedy)**

## **2 VISITOR INFORMATION CENTRE**

**370/2011 RESOLVED** that:-

1. The General Manager prepares cost estimates for the establishment of a dedicated Visitors Centre at the Museum in the old ticketing and waiting room, based on the principles contained in his report, for consideration by Council; and
2. The General Manager advises the Nyngan Museum that, subject to further discussion and availability of funding, Council is generally supportive of establishing a dedicated Visitors Centre at the museum in the old ticketing and waiting room. **(Ryan/Dutton)**

**371/2011 RESOLVED** that Glad Eldridge be sent a congratulatory letter on being named the 2011 Orana Far West Senior Volunteer of the Year. **(McLaughlin/Douglas)**

## **3 CODE OF CONDUCT**

**372/2011 RESOLVED** that:-

1. Councillors note the content of the correspondence from the Division of Local Government regarding the review of the Model Code of Conduct; and
2. Individual Councillors who wish to make comment on the position paper do so to the postal or email addresses given in the correspondence. **(Ryan/Griffiths)**

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**4 DECEMBER / JANUARY RECESS**

**373/2011 RESOLVED** that Council not have an Ordinary Meeting during the month of January 2012 and, pursuant to and subject to the limitations of Section 377 of the Local Government Act, grant authority to the Mayor, Deputy Mayor, or any Councillors in the Mayor's absence to make decisions on behalf of Council during the Christmas/ New Year recess being 16th December 2011 to 31st January 2012. Any such decisions are to be reported to the Council at its first meeting in 2012.  
**(Ryan/McLaughlin)**

**5 CHRISTMAS – NEW YEAR OFFICE CLOSURE**

**374/2011 RESOLVED** that:-

1. In addition to the public holidays over the Christmas / New Year period, Council closes the Shire Offices on the 28<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> of December 2011 and advises the community accordingly; and
2. Council's Staffing Policy be amended by the insertion of a paragraph delegating the granting of concessional leave for office staff, for the period between Christmas and New Year, to the General Manager subject to a Council decision to close the offices. **(McLaughlin/Hampstead)**

**6 ACQUISITION OF LAND BY THE STATE PROPERTY AUTHORITY**

**375/2011 RESOLVED** that the General Manager advises the State Property Authority as follows:

1. a. That Council agrees in principle to transfer Lot 32 DP710351 to the State Property Authority at no cost on the condition that the State Property Authority receives funding to establish a Families and Community Services Access Centre at 67 Cobar Street, Nyngan;
- b. That this agreement is subject to further negotiation for a contribution from the State Property Authority for the reinstatement of the Bogan Bush Mobile centre in an alternative location;
- c. That further to this issue, Council requests the State Property Authority to facilitate the transfer of trusteeship for the former Nyngan Ambulance Station, (Lot 9, Section 31, DP758802) as an a potential alternative site for the Bogan Bush Mobile centre; and
- d. That Council agrees to grant a right of way to the State Property Authority over part of Lot 82 DP1010259 to allow vehicular access to the rear of Lot 32 in Cobar Lane. **(Ryan/Neill)**

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**376/2011 RESOLVED** that the Manager, Environmental Services and Manager, Corporate Services work together with the Bogan Bush Mobile to:-

- 2 a. explore suitable options for relocation, in particular the Palais Theatre and Works Depot; and
- b. prepare a report with an estimate of costs and recommended funding sources, for the preferred option/s for consideration by Council.  
**(McLaughlin/Douglas)**

**377/2011 RESOLVED** that the Mayor and General Manager be authorised to negotiate with the State Property Authority regarding a contribution for the relocation of the Bogan Bush Mobile.  
**(Dutton/Griffiths)**

## **7 LICENCE AGREEMENT FOR THE PALAIS THEATRE**

**378/2011 RESOLVED** that:-

1. The General Manager prepares a licence agreement for consideration by Council based on the existing agreement but incorporating the amendments contained in his report;
2. The Manager Environmental Services provides a report to Council on the Theatre's compliance with essential fire services requirements together with an estimate of costs to rectify them; and
3. The General Manager advises Nyngan High School that Council is establishing a new licence agreement for the Palais Theatre and outlines the proposed arrangements for use of the Theatre by third parties such as the High School. **(Ryan/Neill)**



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**REPORTS TO ORDINARY MEETING OF COUNCIL - MANAGER OF CORPORATE SERVICES' REPORT**

**1 BANK RECONCILIATION**

**379/2011 RESOLVED** the report be received and noted. (McLaughlin/Griffiths)

**2 INVESTMENTS**

**380/2011 RESOLVED** the report be received and noted. (Hampstead/Neill)

**3 SUMMARY OF RATE COLLECTIONS**

**381/2011 RESOLVED** the report be received and noted. (Kennedy/Neill)

**4 ANNUAL FINANCIAL REPORTS**

**This report to be dealt with at a Special Meeting 12 noon.**

**5 ATO SIGNATURES FOR COUNCIL BUSINESS ACTIVITY STATEMENTS**

**382/2011 RESOLVED** that the recommended changes to the Australian Taxation Office signatures be endorsed. (Hampstead/Griffiths)

**6 BOGAN SHIRE COUNCIL POLICY – AP002**

**383/2011 RESOLVED** that the Bogan Shire Council Policy AP002 - Payment of Expenses and Provisions of Facilities to the Mayor and Councillors for the period ended 30 June 2012 be received and adopted. (Griffiths/Douglas)





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Works Manager Alister Quarmby now attended the meeting.

**REPORTS TO ORDINARY MEETING OF COUNCIL – WORKS MANAGER’S REPORT**

**384/2011 RESOLVED** the report be received and noted. **(Dutton/Griffiths)**

Works Manager Alister Quarmby now left the meeting.

**MANAGER CORPORATE SERVICES REPORT ITEM 4 –**

**4 ANNUAL FINANCIAL REPORTS**

**385/2011 RESOLVED** that the Financial Reports and Auditor’s Report for the period 1 July 2010 to 30 June 2011 be adopted. **(Ryan/Hampstead)**

**386/2011 RESOLVED** that Council move into a Special Meeting to present the audited Financial Reports and Auditors’ Report for the year ending 30<sup>th</sup> June 2011 to the public, in accordance with Section 418(3) of the Local Government Act 1993. **(Ryan/Hampstead)**

At 12 noon the Ordinary Meeting of Council was suspended and a Special Meeting open to present the audited Financial Reports and Auditor’s Report for year ending 30<sup>th</sup> June 2011 to the public, in accordance with section 418(3) of the Local Government Act 1993.

**387/2011 RESOLVED** that the Financial Report and Auditor’s Report for the year ending 30<sup>th</sup> June 2011 be presented to the public, in accordance with Section 418(3) of the Local Government Act 1993. **(Ryan/Dutton)**

**388/2011 RESOLVED** that the Special Meeting close and reopen the Ordinary Meeting of Council. **(Ryan/Neill)**

After lunch Mrs Debb Wood and Mrs Donna Pumpa addressed the Council Meeting on the Relay for Life event to be held in Nyngan on the 17<sup>th</sup> and 18<sup>th</sup> March 2012.



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**REPORTS TO ORDINARY MEETING OF COUNCIL –**

**MANAGER OF ENVIRONMENTAL SERVICES REPORT**

**1 DEVELOPMENT APPLICATIONS**

**389/2011 RESOLVED** that the report be received and noted, noting the particular issues of non compliance with Bogan Farms and giving Council's full support to any remedial staff actions. **(Ryan/Hampstead)**

**2 WASTE –RECYCLING COLLECTION TRIAL PERIOD**

**390/2011 RESOLVED** that the report be received and noted. **(Douglas/Kennedy)**

**PRECIS OF CORRESPONDENCE**

**1 MINISTER FOR POLICE AND EMERGENCY SERVICES**

**391/2011 RESOLVED** that the report be received and noted. **(Ryan/Douglas)**

**2 GOVERNMENT WEEKLY CIRCULARS**

Weekly Circulars 41/11 to 44/11 are tabled for Council's information. Copies of the Circulars Indices and Summary of Items have been dispatched to Councillors.

**392/2011 RESOLVED** that the Local Government Weekly Circulars be noted. **(Ryan/Douglas)**

Other Matters

Nyngan Rugby League Club

**393/2011 RESOLVED** that the letter be provided to Council and that the General Manager be asked to consider the request. **(Neill/Hampstead)**



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There being no further business the meeting closed at 2.10pm.

These Minutes were confirmed by resolution at a meeting held on .....and were signed as a true record.

.....  
**GENERAL MANAGER**

.....  
**MAYOR**

